

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on a Proposed Consent Judgment to Recover Cleanup and Removal Costs Excluding Natural Resource Damages and the Remediation of the Property Known as 39 New York Avenue in Jersey City, Hudson County

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a proposed Consent Judgment concerning the recovery of unreimbursed cleanup and removal costs and the remediation of the property known as the Ideal Cooperage site located at 39 New York Avenue, Jersey City, Hudson County (Property). The site is also known and designated as Block 6001, Lot 35, on the Tax Map of Jersey City, which the Department has designated as Site Remediation Program Interest No. G000004613.

The Department, under the authority of N.J.S.A. 13:1D-1 through 19, and by the authority of the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11 through 23.24, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 through 29 and pursuant to the authority vested in the Administrator of the New Jersey Spill Act and authority delegated to the Assistant Director of the Enforcement and Information Support Element within the Site Remediation Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Consent Judgment with 39 New York Development LLC and 39 New York Avenue LLC.

Under the terms of the proposed Consent Judgment, 39 New York Avenue LLC would agree to settle its alleged liability to the Department for the Department's past and future cleanup and removal costs by paying the Department \$6,961.04. 39 New York Development LLC would agree to settle its liability to the Department for the Department's past cleanup and removal costs

by paying the Department \$13,127.50. 39 New York Development LLC would also agree to conduct a remediation of the Property under the direct oversight of the Department, which, upon successful completion, would settle 39 New York Development LLC's liability for the Department's future cleanup and removal costs.

It is the intent of the Department, 39 New York Avenue LLC, and 39 New York Development LLC that the Consent Judgment constitutes a judicially approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Act, for the purpose of providing protection from contribution actions or claims for matters addressed in the Consent Judgment.

A copy of the proposed Consent Judgment is available for inspection at the Department's main office at 401 East State Street, in Trenton, NJ and via the Internet at www.nj.gov/dep/nrr/settlements. A copy of the Department's files concerning the Property is available for review by contacting the Office of Record Access, DEP, PO Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via email at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of the Consent Judgment concerning the remediation of the Property to Kevin F. Kratina, Assistant Director, DEP, Site Remediation Program Assignment and Enforcement Element, 401 East State Street, PO Box 420, Mail Code 401-5G, Trenton, NJ 08625-0420.

All comments must be submitted within 60 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold consent to the entry of the Consent Judgment if comments disclose facts or considerations that show that the Consent Judgment is inappropriate, improper, or inadequate.